

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL



A/AC.96/760
10 October 1990

ENGLISH
Original: ENGLISH AND FRENCH

EXECUTIVE COMMITTEE OF
THE HIGH COMMISSIONER'S PROGRAMME

Forty-first Session

REPORT OF THE FORTY-FIRST SESSION OF
THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

(Geneva, 1 October to 5 October 1990)

Table of Contents

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 19	1
A. Election of Officers	9	2
B. Representation on the Committee	10 - 15	3
C. Adoption of the Agenda and other Organizational Matters	16 - 17	4
D. Opening Statement by the Chairman of the Executive Committee	18	4
II. GENERAL (ITEMS 4-11)	19	5
III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE		
A. Conclusions and Decisions on International Protection		
1. General Conclusion on International Protection	20	5
2. Conclusion on the Note on International Protection	21	6
3. Conclusion on Solutions and Protection	22	8
4. Conclusion on Refugee Women and International Protection	23	8
B. Decision on UNHCR's Policy on Refugee Women	24	10
C. Conclusion on the Implementation of the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA)	25	10
D. Conclusion on Repatriation to Cambodia	26	11
E. Conclusion on the International Conference on Central American Refugees (CIREFCA)	27	12
F. Conclusion on the Situation of Refugees in Africa	28	13
G. Decisions on Administrative and Financial Matters	29	14
H. Conclusion on Staffing Matters	30	16

Table of Contents (Continued)

	<u>Paragraphs</u>	<u>Page</u>
I. Provisional Agenda of the forty-second session of the Executive Committee	31	17
J. Government Observer Participation in 1991	32	18
K. Interpretative Declarations or Reservations relating to the Conclusions and Decisions of the Committee		18
Annex I. Opening statement of the United Nations High Commissioner for Refugees to the forty-first session of the Executive Committee of the High Commissioner's Programme.		20

I. INTRODUCTION

1. The Executive Committee of the High Commissioner's Programme held its forty-first session at the Palais des Nations at Geneva from 1 to 5 October 1990. The session was opened by the outgoing Chairman, His Excellency Ambassador Fredo Dannenbring of the Federal Republic of Germany.

2. In his introductory statement, Dr. Dannenbring referred to the recent positive developments in the international political situation, particularly the improvement in East-West relations and the upsurge of democracy in Eastern Europe, all of which had contributed to the optimism that some of the world's long-standing refugee situations would be solved. Referring in this connection to the peaceful and democratic unification of his own country, and to Namibia's independence in March 1990 and the successful return to that country of over 43,000 of its citizens, Ambassador Dannenbring expressed the hope that conditions would also soon be attained which would permit the Afghan refugees, a third of the world's total, and Cambodians, to return to their countries.

3. Turning to the nature of the current world refugee situation, Ambassador Dannenbring observed that despite the above-mentioned climate, there were over 15 million refugees today, with 2.3 million of them in the developed countries as compared with 12.5 million in the less developed world. Ambassador Dannenbring placed the problems of current refugee and large-scale population displacements in the wider global economic, environmental, geo-political and migratory framework, and referred to the risks and challenges the problems presented. In the Ambassador's view, the responses to the current movements of refugees and asylum-seekers and broader migratory movements, had to come from the United system as a whole. While the High Commissioner provided international protection and assistance to political refugees under his mandate, people displaced for other reasons were in need of humanitarian assistance.

4. The outgoing Chairman then reported on his visits to the refugee programmes in Thailand and Pakistan which illustrated some of the points he had made. In both cases, a dilemma was presented by the impossibility or difficulties experienced in implementing the best solution of all, repatriation, although he once again expressed the hope that this situation would not last for much longer, in particular, for the Cambodians in Thailand. In the case of Pakistan, a question was now being asked whether the international community will, after ten years, be prepared to keep up the level of contributions for another decade. In this connection, Ambassador Dannenbring had been reassured to see that the special repatriation programme for Afghans was under way and that there was hope of an increasing number of Afghans returning home.

5. Ambassador Dannenbring then turned to the work of the fortieth session of the Committee which, he noted, had been concerned mostly with the UNHCR's grave financial problems which had necessitated a carry-over into 1990 of up to \$ 38 million in unliquidated obligations from 1989. He recalled, in this connection, the decisions and actions of the Executive Committee to prevent the recurrence of such a deficit, including limiting obligations in the first six months of 1990 to \$ 190 million, and the establishment of a temporary

Working Group to review thoroughly the content of UNHCR's General Programmes, assistance, budgetary and administrative matters. This Working Group, said Ambassador Dannenbring, had carried out an enormous workload, and developed a spirit of compromise and good co-operation resulting in the approval by the Executive Committee of a revised 1990 General Programmes budget of \$ 378.9 million. He also identified a number of pending questions, the most pertinent being the unpredictability of income to UNHCR's programmes. The outgoing Chairman hoped that these could be resolved by the time of the forty-second session of the Committee in 1991.

6. Dr. Dannenbring then underlined the importance of the Working Group that had been established to consider solutions to the refugee problem and the protection of refugees, which would facilitate consideration of a comprehensive and coherent future refugee policy. In this context, the combined effect of rising numbers of refugees, the geographical distribution in mainly Third World countries, limited willingness and capacities of asylum and resettlement countries to admit more refugees, necessitated that more had to be done through preventive action.

7. When prevention fails, international solidarity was called for in a joint effort to find solutions. International solidarity, said Dr Dannenbring, encompassed both countries of origin and donors. It required fresh efforts by the United Nations system, i.e. the governments represented in the United Nations and in the Executive Committee, to create instruments with clearly defined responsibility and the capacity to react quickly. Therefore, Dr Dannenbring's farewell message was that the Executive Committee should continue to fulfill its unique function in the international endeavour to mitigate and ultimately solve refugee situations wherever they occur.

8. Concluding, Ambassador Dannenbring paid tribute to the members of the Executive Committee, the members of his bureau, the High Commissioner and his staff, and his, the Ambassador's, staff, for all the assistance given to him during his term of office on the Executive Committee bureau. The Committee could count on his continued support.

A. Election of officers

9. Under Rule 10 of the Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman: Ambassador M. Emeka Ayo Azikiwe - (Nigeria)

Vice-Chairman: Ambassador M. Franz Ceska - (Austria)

Rapporteur: Mr. Alberto D'Alotto - (Argentina)

B. Representation on the Committee

10. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, France, Germany, Greece, Holy See, Iran (Islamic Republic of), Israel, Italy, Japan, Lebanon, Lesotho, Madagascar, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Somalia, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia, Zaire.

11. The Governments of the following States were present as observers:

Afghanistan, Angola, Bahrain, Bangladesh, Bolivia, Botswana, Bulgaria, Burundi, Cameroon, Chile, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Czech and Slovak Federal Republic, Djibouti, Egypt, El Salvador, Ethiopia, Ghana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Mexico, Mozambique, Myanmar, New Zealand, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Republic of Korea, Rwanda, Republic of Yemen, Sao Tomé and Príncipe, Saudi Arabia, Senegal, Spain, Sri Lanka, Swaziland, Syrian Arab Republic, Union of Soviet Socialist Republics, Uruguay, Viet Nam, Zimbabwe. The Sovereign Order of Malta was also represented by an observer.

12. The United Nations system was represented as follows:

The United Nations Office at Geneva (UNOG), Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes Relating to Afghanistan (UNOCA), United Nations Development Programme (UNDP), Office of the United Nations Disaster Relief Co-ordinator (UNDRO), International Labour Office (ILO), United Nations Children's Fund (UNICEF), United Nations Institute for Training and Research (UNITAR), United Nations Centre for Human Settlements (HABITAT), United Nations Research Institute for Social Development (UNRISD), World Health Organization (WHO), United Nations Population Fund (UNFPA), United Nations Volunteers (UNV), World Food Programme (WFP), International Fund for Agricultural Development (IFAD).

13. The following intergovernmental organizations were represented by observers:

International Bank for Reconstruction and Development (IBRD), International Organization for Migration (IOM), Commission of the European Communities, League of Arab States, Organization of African Unity (OAU).

14. Some 80 non-governmental organizations were represented by observers, including the International Committee of the Red Cross (ICRC), the League of

Red Cross and Red Crescent Societies and the International Council of Voluntary Agencies (ICVA).

15. The African National Congress of South Africa (ANC) and the Pan Africanist Congress of Azania (PAC) were also represented at the session.

C. Adoption of the Agenda and other organizational matters

16. The Executive Committee adopted by consensus the following agenda (document A/AC.96/749):

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters.
4. General debate.
5. (a) Review of UNHCR programmes financed by voluntary funds in 1989-90 and adoption of the revised 1990 budget and proposed programmes and budget for 1990;

(b) Status of contributions and overall financial requirements for 1990 and 1991;

(c) Administration and Management.
6. Consideration of the provisional agenda of the forty-second session of the Executive Committee.
7. Any other business.
8. Adoption of the draft report of the forty-first session.
9. Closing of the session.

17. With respect to participation by government observer delegations in the informal meetings of the Executive Committee and its two Sub-Committees during 1991, the Committee decided, in order to make more time available to governments to apply for participation, to defer consideration of this matter and take it up later under agenda item 7, at which time the Committee considered document A/AC.96/XLI/CRP.6 on Participation by Government Observer Delegations in 1991. The list of government observer delegations for whom participation was thus approved by the Committee is reflected in this Report as a decision of the Executive Committee.

D. Opening Statement by the Chairman of the Executive Committee

18. Ambassador Azikiwe thanked all those delegations which had made it possible for him to assume the Chairmanship of the forty-first session of the

Executive Committee. He hoped that with the co-operation of all delegations, the Committee would be able to achieve its objectives.

II. GENERAL (items 4-9)

19. The High Commissioner's opening statement to the Executive Committee is reproduced in the Annex to this Report. The full account of the deliberations of the Committee, including the statements or other interventions made by delegations on all the Agenda items of the meeting, and the closing statements by the Chairman and High Commissioner, are contained in the Summary Records of the session issued as documents A/AC.96/SR.453 to A/AC.96/SR.460.

III. DECISIONS AND CONCLUSIONS OF THE COMMITTEE

A. Conclusions and Decisions on International Protection

1. General Conclusion on International Protection

20. The Executive Committee,

(a) Reaffirms the central and basic character of the High Commissioner's international protection function;

(b) Calls upon States, UNHCR and other concerned parties to take all necessary measures to ensure that refugees are effectively protected and recalls in this regard the fundamental importance of the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967;

(c) Expresses strong concern that refugee protection continues to be seriously jeopardized in many States, including through expulsion, refoulement and other threats to the physical security, dignity and well-being of refugees;

(d) Notes with concern that, in certain instances, specific activities by some refugees have been incompatible with national security interests and, in this context, reconfirmed its Conclusion No. 48 (XXXVIII) on Military and Armed Attacks on Refugee Camps and Settlements and, in particular, its paragraph 4(a);

(e) Emphasizes the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programmes;

(f) Noting the link between protection and resettlement, underlines the need for states to provide adequate places for refugees in need of resettlement;

(g) Notes that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the High Commissioner to continue efforts to share the task of providing assistance and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

(h) Expresses concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians, and hopes that efforts would continue within the United Nations system to address their protection needs;

(i) Encourages all States parties to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to respond as soon as possible to the questionnaire on implementation of these instruments circulated by the High Commissioner, so that he can submit a detailed report on their implementation to the forty-second session of the Executive Committee;

(j) Notes with appreciation the accomplishments of the Office in promoting and disseminating refugee law, particularly through the organization of protection training courses, and in maintaining a research capacity, and calls upon the High Commissioner to consider how to pursue these activities within existing resources.

2. Conclusion on the Note on International Protection

21. The Executive Committee,

Welcoming the significant progress made over the past forty years in resolving refugee situations in a number of regions and in guaranteeing protection and assistance to millions of refugees on the basis of accepted legal principles and a spirit of international solidarity and burden-sharing;

Taking into account, however, that despite these positive developments and international co-operation to resolve situations, the refugee and asylum problem in its entirety is bigger, more complex and as persistent as ever;

Convinced that those humanitarian and human rights principles at the base of international concern for, and protection of, refugees are as relevant today as they were in 1951;

Believing though, that the current size and characteristics of the refugee and asylum problem necessitate appropriate reassessment of international responses to the problem to date, with a view to developing comprehensive approaches to meet present realities;

Stressing that, to succeed, comprehensive approaches must in addition endeavour to respond to the concerns of all affected States including first asylum and receiving States;

Appreciating the comprehensive approach taken in the High Commissioner's Note on International Protection in presenting some considerations for developing refugee strategies;

(a) Takes note of the High Commissioner's emphasis in the Note on International Protection on the following:

- (i) prevention and early warning of developing situations, and mediation as an effective method to contain problems;
- (ii) the possible human rights dimensions of refugee flows, which can also be a source of national and international instability;
- (iii) the difference between refugees and persons seeking to migrate for economic and related reasons, and the need for any refugee policy to respect fundamental distinctions between the two categories of people, and be fully consonant with the principles particular to, and essential for, the protection of refugees, including first asylum and non-refoulement;
- (iv) the fact that voluntary repatriation, local settlement or resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;
- (v) development of measures which would underpin and broaden the acceptance of the three traditional durable solutions;
- (vi) the need for countries of origin to assume a significant responsibility in the search for appropriate solutions, including through addressing root causes and facilitating voluntary repatriation and the return of their nationals who are not refugees;
- (vii) more detailed articulation of the concept of State responsibility, particularly as it relates to the responsibilities of the countries of origin;
- (viii) more active and effective utilization by States and UNHCR of United Nations and other qualified expert bodies as appropriate, including human rights bodies, in their relevant areas of competence;
- (ix) consideration of development aid as a complementary measure to address causes of, prevention of, and solutions to, refugee and refugee-like situations;
- (x) encouragement to regional bodies or groupings more actively to contribute to positive resolution of problems in their respective regions;
- (xi) development of measures by States to deal responsibly and effectively with rejected asylum-seekers;
- (xii) full integration of public information activities into strategies;

- (xiii) encouragement of full and open debate on new approaches;
- (xiv) consideration of the relationship between asylum problems and international migration.

(b) Decided to refer these matters for reflection to the Executive Committee Working Group on Solutions and Protection.

3. Conclusion on Solutions and Protection

22. The Executive Committee decides to:

(a) Take note of the establishment of the Working Group on Solutions and Protection;

(b) Request that a further meeting of the Working Group be convened as soon as possible after the forty-first session of the Executive Committee;

(c) Note that, in principle, the participation in Working Group discussions should not be limited only to Executive Committee Member countries and that this would be decided upon by the Working Group in the light of the demands of its work;

(d) Note also that the work of the Working Group was urgent and that results were required, so that a tight work schedule would be desirable, although any decision on more precise scheduling of meetings should be left to the Group itself;

(e) Request that a report on the work of the Working Group be made to the forty-second session of the Executive Committee in 1991.

4. Conclusion on Refugee Women and International Protection

23. The Executive Committee,

Noting with serious concern the widespread violations of the rights of refugee women and their specific needs;

Underlining the potential of refugee women and the need to ensure their full participation in analysing their needs and in designing and implementing programmes which make appropriate use of their resources;

Reaffirming its Conclusion No.39 (XXXVI) on Refugee Women and International Protection;

Stressing that all action taken on behalf of women who are refugees must be guided by the relevant international instruments relating to the status of refugees as well as other applicable human rights instruments, in particular, for States parties thereto, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;

Recognizing that ensuring equal treatment of refugee women and men may require specific action in favour of the former;

Recalling the special relevance of the Nairobi Forward-Looking Strategies on the Advancement of Women and the obligation of the United Nations System as a whole to give effect to its provisions;

Reiterating the importance of collecting data which allows for the monitoring of progress achieved in meeting the needs of refugee women,

(a) Urges States, relevant United Nations organizations, as well as non-governmental organizations, as appropriate, to ensure that the needs and resources of refugee women are fully understood and integrated, to the extent possible, into their activities and programmes and, to this end, to pursue, among others, the following aims in promoting measures for improving the international protection of refugee women:

- (i) Promote energetically the full and active participation of refugee women in the planning, implementation and evaluation/monitoring of all sectors of refugee programmes;
- (ii) Increase the representation of appropriately trained female staff across all levels of all organizations and entities which work in refugee programmes and ensure direct access of refugee women to such staff;
- (iii) Provide, wherever necessary, skilled female interviewers in procedures for the determination of refugee status and ensure appropriate access by women asylum-seekers to such procedures, even when accompanied by male family members;
- (iv) Ensure that all refugees and the staff of relevant organizations and authorities are fully aware of, and support, the rights, needs and resources of refugee women and take appropriate specific actions;
- (v) Integrate considerations specific to the protection of refugee women into assistance activities from their inception, including when planning refugee camps and settlements, in order to be able to deter, detect and redress instances of physical and sexual abuse as well as other protection concerns at the earliest possible moment;
- (vi) Extend professional and culturally appropriate gender-based counselling as well as other related services to refugee women who are victims of abuse;
- (vii) Identify and prosecute persons who have committed crimes against refugee women and protect the victims of such crimes from reprisals;
- (viii) Issue individual identification and/or registration documents to all refugee women;

- (ix) Provide all refugee women and girls with effective and equitable access to basic services, including food, water and relief supplies, health and sanitation, education and skills training, and make wage-earning opportunities available to them;
- (x) Provide for informed and active consent and participation of refugee women in individual decisions about durable solutions for them;
- (xi) Ensure that resettlement programmes make special provisions for refugee women at risk.

(b) Invites UNHCR to develop comprehensive guidelines on the protection of refugee women as a matter of urgency in order to give effect to its policy on refugee women as contained in document A/AC.96/754.

B. Decision on UNHCR's Policy on
Refugee Women

24. The Executive Committee,

(a) Approves the Policy on Refugee Women as contained in document A/AC.96/754;

(b) Urges States, relevant United Nations organizations, as well as non-governmental organizations, to reinforce UNHCR's implementation of this policy through their own efforts, including in the area of training;

(c) Calls on the High Commissioner to present a progress report on the implementation of this policy in both protection and assistance activities at the forty-second session. This report should also address the development of the comprehensive guidelines on the protection of refugee women and their application within the framework of this policy.

C. Conclusion on the Implementation of the Comprehensive
Plan of Action for Indo-Chinese Refugees (CPA)

25. The Executive Committee,

Recalling the decision of the Executive Committee of the High Commissioner's Programme adopted at the fortieth session, entitled "International Conference on Indo-Chinese Refugees", in which it expressed deep satisfaction with the holding of the International Conference on Indo-Chinese Refugees (ICIR) and welcomed the adoption of the Declaration and Comprehensive Plan of Action on Indo-Chinese Refugees (CPA), noted the progress achieved and requested the Steering Committee to continue its multi-lateral co-ordinating and assessment role;

Further recalling resolution 44/138 on the International Conference on Indo-Chinese Refugees adopted by the General Assembly of the United Nations, which welcomed the successful conclusion of the ICIR and adoption of the Declaration and Comprehensive Plan of Action, and called upon all states concerned and the relevant specialized agencies and regional inter-governmental and non-governmental organizations to undertake the various measures required of them within the framework and letter of the Comprehensive Plan of Action and to provide resources for the general and special programme of the Office of the United Nations High Commissioner for Refugees to enable it to carry out the tasks prescribed in the Comprehensive Plan of Action,

(a) Recognizes that substantial progress has been achieved in the implementation of some of the elements of the Comprehensive Plan of Action, such as the mass information campaign, refugee status determination, expansion of regular departure programmes, resettlement of pre-cut-off cases and the promotion of voluntary repatriation, and emphasizes the need for the continued effort to ensure full and balanced implementation of all mutually reinforcing elements of the Comprehensive Plan of Action, including temporary asylum and repatriation;

(b) Welcomes the decision of the Secretary-General to designate the High Commissioner as his Special Representative to co-ordinate efforts with all parties concerned to promote the phased and orderly return of non-refugees in a manner that is fully compatible with the humanitarian mandate of his Office and under conditions of safety and dignity; to co-ordinate with other agencies and programmes the monitoring of such returns in the countries of first asylum and to monitor the situation of returnees in Viet Nam to ensure their general safety and well-being; and to co-ordinate with all parties concerned the provision of humanitarian and economic assistance to the areas to which returns take place, the implementation of such programmes remaining the responsibility of the agency concerned;

(c) Commends the untiring efforts of the High Commissioner in attempting to obtain a consensus on the return of non-refugees and in bridging differences between States on the subject, and welcomes recent positive steps towards increasing the number of returnees, despite the inability of the Steering Committee to reach full consensus on implementation of this element of the Comprehensive Plan of Action;

(d) Requests the High Commissioner and the Steering Committee to continue their multilateral co-ordinating role to ensure the full implementation of the Comprehensive Plan of Action;

(e) Urges strongly that, on the basis of the various efforts made by States and international organizations, a consensus be reached in the near future enabling the full implementation of the Comprehensive Plan of Action.

D. Conclusion on Repatriation to Cambodia

26. The Executive Committee,

Taking note of Security Council Resolution 668 adopted on 21 September 1990, endorsing the framework for a comprehensive political settlement of the

Cambodia conflict and, inter alia, encouraging the Secretary-General to continue, within the context of preparations for reconvening the Paris International Conference on Cambodia, preparatory studies to assess the resources, implications, timing and other considerations relevant to the United Nations role;

Recalling that the Secretary-General has designated the Office of the High Commissioner as the lead United Nations agency for the voluntary repatriation of Cambodian refugees and return of displaced persons;

Noting with satisfaction that the framework agreement refers, as part of "a settlement process", inter alia, to a document elaborated by the Paris International Conference on Cambodia (30 July - 30 August 1989) on repatriation;

Noting with appreciation that the Office of the High Commissioner led an inter-agency mission to Cambodia in May and June 1990 to lay the groundwork for this repatriation operation;

Recognizing that extensive preliminary preparations must be made as soon as conditions of security permit in order to reduce the grave hazards that such a vast return movement could entail,

(a) Calls upon the High Commissioner to work with the Secretary-General to ensure that the financial and other requirements for the repatriation and reintegration programmes are adequately and urgently addressed in the United Nations' overall planning, and appeals for a comprehensive settlement in Cambodia, and then calls upon governments and other donors to respond rapidly;

(b) Calls upon all governments and parties concerned to contribute to the creation of a climate of security and confidence, so that measures for safe repatriation and reintegration of returnees could be undertaken with international monitoring.

E. Conclusion on the International Conference on Central American Refugees (CIREFCA)

27. The Executive Committee,

Noting with appreciation the valuable role played by the countries of the region, the Secretary-General of the United Nations, UNHCR and UNDP, and, in particular, non-governmental organizations and the international community at large in pursuing the objectives of the Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons, adopted in Guatemala City in May 1989;

Recalling with appreciation the declarations of support to the CIREFCA process contained in the communiqués issued by the Central American Presidents in their meetings held at Montelimar, Nicaragua on 3 April 1990 and Antigua, Guatemala on 17 June 1990, in General Assembly Resolution 44/139 of 13 March 1990, and in the communiqué of the San José IV meeting of the Ministers of Foreign Affairs of the European Community and Central American countries, held at Dublin on 9 and 10 April 1990;

Welcoming with appreciation the Declaration of the First International Meeting of the CIREFCA Follow-up Committee held in New York from 27 to 28 June 1990,

(a) Reaffirms that, as stated in the Concerted Plan of Action, solutions to the problems of refugees, returnees and displaced persons form an integral part of the efforts to achieve peace, democracy and development in the Central American region;

(b) Requests the governments in the region to strengthen the functioning of the various mechanisms established in the Concerted Plan of Action, at both the national and international levels, in order that the process initiated by CIREFCA may maintain its momentum as a concerted means of addressing the needs of affected populations in the region;

(c) Requests, also, the High Commissioner to reinforce his efforts to continue providing full support, through the CIREFCA Joint Support Unit, to the governments of the region, and the concerned non-governmental organizations, with a view to ensuring effective implementation of CIREFCA projects, and to reinforce his collaboration with UNDP as well as the collaboration of all parties members of the national Support Groups, in accordance with the CIREFCA integrated approach;

(d) Appeals to the governments of Central America, Belize and Mexico as well as to the international community, and to the intergovernmental and non-governmental organizations, to increase their efforts towards the full implementation of the Concerted Plan of Action, thereby achieving durable solutions for the benefit of refugees, returnees and displaced persons.

F. Conclusion on the Situation of Refugees in Africa

28. The Executive Committee,

Realizing that the problem of refugees in Africa has assumed alarming proportions;

Aware that African countries continue to suffer serious economic set-backs owing to man-made and natural disasters;

Noting with concern that the imbalance between resources available to UNHCR and increasing needs negatively affects the well-being of refugees and countries of asylum in Africa;

Underlining the fact that African countries continue to host and provide assistance to millions of refugees despite their dwindling national resources;

Appreciating the support of the international community to the High Commissioner and his staff in responding promptly to the critical refugee situation in Africa;

Noting the "Khartoum Declaration" issued by the Organization of African Unity (OAU) Commission of 15 on Refugees on September 24th 1990 on Africa's refugee crisis,

(a) Encourages the follow-up action contained in the Khartoum Declaration, which calls on Member States of the OAU to undertake to enhance the capacity for management and conflict resolution to help eradicate the root causes of refugee flows and realize durable solutions for refugees in Africa;

(b) Calls on the international community to consider providing adequate resources based on rigorous needs assessment and programme design, to enable the High Commissioner, in co-operation with other relevant organizations, to discharge fully his mandate;

(c) Invites the host countries to continue to pursue measures which promote the provision of protection, assistance and durable solutions in the most cost-effective manner;

(d) Underlines the necessity of following-up and translating the recommendations of ICARA I, ICARA II and the SARRED Plan of Action into concrete actions to address the needs of refugees, returnees and displaced persons.

G. Decisions on Administrative and Financial Matters

29. The Executive Committee,

A

Having reviewed the information contained in UNHCR Activities Financed by Voluntary Funds: Report for 1989-1990 and Proposed Programmes and Budget for 1991 (document A/AC.96/751 Parts I-V and Addendum 1 to Part I); the Overview of UNHCR Activities for 1989-1990 (A/AC.96/753 and Addendum 1); and the Up-date of UNHCR Programme, Funding and Staffing Projections (A/AC.96/764¹/) and the Information Note on UNHCR Evaluation Activities (A/AC.96/757);

Having taken note of the Voluntary Funds Accounts for the Year 1989, the Audit Opinion and the Report of the United Nations Board of Auditors thereon (document A/AC.96/755);

Welcoming the Report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) (document A/AC.96/756);

Taking into consideration the detailed Reports on Action taken by UNHCR on the Recommendations of the Temporary Executive Committee Working Group on Programme, Budgetary, Administrative and Organizational Matters (document A/AC.96/761²/), on Co-operation with Other Organizations (document A/AC.96/762³/) and on Funding Matters (document A/AC.96/763⁴/),

(a) Endorses, within the context of its Conclusions and Decisions on Assistance Activities as contained in Chapter III/I - Part A of document A/AC.96/737, the country and area programmes and overall allocations contained in document A/AC.96/751 (Parts I to V), and summarized in Column 7 of Table II of document A/AC.96/753, which correspond with the approval by the Extraordinary Session of the Executive Committee in May 1990 of the revised

1990 General Programmes target amounting to \$ 340,855,900 (including \$ 10 million Emergency Fund) and which, together with the carry-over for 1989 of \$ 38,030,000, amounts to \$ 378,885,900;

(b) Approves the country and area programmes and the overall allocations for the 1991 General Programmes amounting to \$ 345,555,500 (including \$ 10.0 million Emergency Fund) as contained in document A/AC.96/751 (Parts I to V), summarized in Column 10 of Table II, document A/AC.96/753 and amended in document A/AC.96/751 (Part I)/Add.1 and document A/AC.96/753/Add.1;

(c) Authorizes the High Commissioner to effect such adjustments in projects, country or area programmes and overall allocations as may be required by changes affecting the refugee programmes for which they were planned, using the General Programmes Reserve where necessary, and to report such adjustments to the Executive Committee at its next session;

(d) Approves the transfer in 1991 of up to \$ 300,000 from the General Programmes Reserve to the Fund for Field Staff Housing and Basic Amenities;

(e) Notes the progress made by UNHCR to-date in regards to the implementation of the recommendations of the Temporary Executive Committee Working Group contained in the reports referred to above, and urges the Office to pursue outstanding issues related to the recommendations, and report on these to future meetings of the Sub-Committee on Administrative and Financial Matters;

(f) Calls upon the High Commissioner to sustain his efforts in assuring greater inter-agency co-operation in responding to the needs of refugees, and, in particular, in seeking to complement the Office's humanitarian endeavours with development initiatives from specialized agencies so as to attain, in an effective and efficient manner, further and more concrete results towards achieving durable solutions, and calls also upon the member governments to support these efforts in the governing bodies of these agencies;

(g) Takes note that the costs of the staff retrenchment exercise are currently estimated to amount to between \$ 2.9 million to \$ 3.5 million, and authorizes the High Commissioner to meet the costs relating to General Programmes (estimated to be between \$ 2.5 million to \$ 2.9 million) from the 1990-1991 Programme Reserve, on the understanding that every effort will be made to absorb such costs when they occur within the approved allocations for support costs;

(h) Notes with appreciation the continued strong donor support to UNHCR in 1990, and calls upon donors to consider urgently additional contributions to ensure timely and full funding of activities programmed for 1990, earmarked in the broadest possible way in order to allow UNHCR the flexibility to allocate funds according to the most pressing needs;

(i) Urges early announcement of 1991 contributions, particularly at the Pledging Conference, so as to enable the High Commissioner to plan and proceed with the implementation of programmes approved for 1991;

(j) Calls upon those governments which do not contribute to UNHCR to provide financial support in a spirit of international burden-sharing, to offset the shortfall in funds in relation to assessed needs;

(k) Reiterates its encouragements to UNHCR to secure additional income from non-traditional sources, and calls upon governments to consider providing the financial resources necessary for the initial investment that will enable UNHCR to pursue new ways of broadening its income base;

(l) Requests the High Commissioner to continue his negotiations for an increase of the UN Regular Budget participation in the administrative costs of UNHCR in the UN Programme Budget for the biennium 1992-1993, and requests members and observers of the Executive Committee to bring the matter to the attention of their delegations to all appropriate subsidiary organs of the General Assembly, particularly the Fifth Committee, to support these efforts appropriately;

(m) Notes the progress made to-date in relation to evaluation activities and requests that the High Commissioner report to the next session of the Executive Committee on developments which further enhance the evaluation activities of the office.

B

Recalling the request of the Temporary Executive Committee Working Group for UNHCR to examine and report to the Executive Committee on the need for a Contingency Fund for the purpose of enabling the High Commissioner to initiate implementation of vital programmes/projects for refugees pending receipt of contributions;

Taking note of the High Commissioner's proposal to establish a Special Contingency Account as contained in paragraphs 47 to 51 in the Report on Action taken by UNHCR on the Recommendations of the Temporary Executive Committee Working Group on Programme, Budgetary, Administrative and Organizational Matters (document A/AC.96/761);

Recognizing the need of the High Commissioner for a higher degree of flexibility to ensure funding of on-going needs under approved General Programmes and of initial emergency needs under Special Programmes pending the receipt of contributions pledged,

(a) Requests the High Commissioner to seek the advice of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on proposals for an appropriate mechanism that will address this need as well as on the level and criteria appropriate for its functioning and to submit to the Sub-Committee on Administrative and Financial Matters a proposal for discussion and, once the mechanism has been agreed upon, for endorsement on behalf of the Committee.

H. Conclusion on Staffing Matters

30. The Executive Committee,

Takes note of the working paper submitted by the Chairman of UNHCR Staff Council to the Sub-Committee on Administrative and Financial Matters and invites the Chairman of the Staff Council to submit a report on these and

other issues of concern to staff for consideration at the Sub-Committee on Administrative and Financial Matters prior to the forty-second session of the Executive Committee.

I. Provisional Agenda of the forty-second session
of the Executive Committee

31. The Committee adopted by consensus the following provisional Agenda for the meeting of the forty-second session of the Executive Committee (document A/AC.96/XLI/CRP.8):

1. Opening of the session
2. Election of Officers
3. Adoption of the Agenda and other organizational matters
4. General debate
5.
 - (a) Review of UNHCR programmes financed by Voluntary Funds in 1990-1991 and adoption of the revised 1991 budget and proposed programmes and budget for 1992;
 - (b) Status of contributions and overall financial requirements for 1991 and 1992;
 - (c) Administration and Management.
6. Consideration of the provisional agenda for the forty-third session of the Executive Committee.
7. Any other business.
8. Adoption of the Draft Report of the forty-second session.
9. Closing of the session.

J. Government Observer Participation in 1991

32. The Executive Committee considered and approved applications by the following Government observer delegations for participation in the Sub-Committees of the Whole on International Protection and on Administrative and Financial Matters as well as in the informal sessions of the Executive Committee during 1991:

Bangladesh, Bulgaria, Cameroon, Cuba, Chile, Cyprus, Czech and Slovak Federal Republic, Djibouti, Egypt, Ethiopia, Ghana, Guatemala, India, Indonesia, Ireland, Jordan, Kenya, Kuwait, Liberia, Malawi, Malaysia, Mexico, New Zealand, Philippines, Portugal, Republic of Korea, Romania, Senegal, Spain, Sri Lanka, Uruguay, Viet Nam, Zimbabwe.

K. Interpretative declarations or reservations relating to the Conclusions and Decisions of the Committee

A. 1. General Conclusion on International Protection

33. The delegation of Israel objected to the inclusion of the words "including a large number of Palestinians" in sub-paragraph (h).

Notes

1. This document was issued for, and considered by, the forty-first session of the Executive Committee as a Conference Room Paper under the symbol A/AC.96/XLI/CRP.4.
2. This document was issued for, and considered by, the forty-first session of the Executive Committee as a Conference Room Paper under the symbol A/AC.96/XLI/CRP.1.
3. This document was issued for, and considered by, the forty-first session of the Executive Committee as a Conference Room Paper under the symbol A/AC.96/XLI/CRP.2.
4. This document was issued for, and considered by, the forty-first session of the Executive Committee as a Conference Room Paper under the symbol A/AC.96/XLI/CRP.3.

OPENING STATEMENT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR REFUGEES TO THE FORTY-FIRST SESSION OF THE
EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen:

Since our last formal meeting in May, there have been a number of dramatic developments. Recent events in the Middle East have cast a cold shadow on the optimistic view that 1990 would mark the beginning of a new era in international affairs. The situation is serious. We should not, however, forget that the end of the cold war, the replacement or radical transformation of many authoritarian regimes, and the new central role of the United Nations have, nevertheless, provided us with unprecedented opportunities for multilateral co-operation. Let me today say a few words about how I see UNHCR's role in seizing these opportunities and thereby contributing to the construction of the edifice of peace.

NEW CHALLENGES, NEW ROLES

The crisis in the Middle East has, among other things, triggered a wave of destitute and dispossessed people across international boundaries. The great majority of them are foreign workers desperately trying to get back home. In the minds of the public and the media, in many government circles, among many non-governmental organizations, those on the move are considered to be "refugees". Many of us in UNHCR have indeed spent quite a lot of time responding to questions on this matter. Bureaucratically, this situation may have posed a dilemma. Those in need are, overwhelmingly, migrant workers who can and want to go back to their own country. They are not refugees in need of international protection. Yet, for a High Commissioner for Refugees whose mandate is humanitarian, whose policy is based on human rights and who seeks to protect and assist human victims, there can be no dilemma in such a situation. You do not ask a dying person who caused the accident. You try to generate, mobilize and provide help and support to the victim.

That is the reason why, from the early stages of the crisis, I undertook personal contacts with representatives of governments in the region and offered UNHCR's support and expertise. We also met with relevant organizations in an attempt, on an informal basis, to establish what was being - or should be - done and by whom. Throughout these initiatives, I remained in close contact with the Secretary-General's Office. I am concerned that at a time when the United Nations' political

machinery may finally live up to its original designs, the parallel humanitarian system may prove itself inadequate. There is clearly an urgent need to take a fresh look at the capacity of the United Nations and the international community to respond to the humanitarian emergencies of today, with swiftness and in a coherent way. UNHCR intends to take an active part in such efforts.

The conflict in Liberia is another recent event in which from the early days of the crisis, UNHCR was in contact with governments and the Organisation of African Unity (OAU) in an attempt to contribute to containing the crisis, but unfortunately without success. The conflict in Liberia has continued to worsen, provoking one of the largest and fastest refugee exoduses witnessed anywhere in recent years. More than 500,000 Liberians have now sought asylum in the neighbouring countries of Côte d'Ivoire, Guinea and Sierra Leone while many more may have been displaced within their homeland. After several appeals, UNHCR has now received adequate funds for the coming months. A major humanitarian catastrophe has been, if not averted, at least diminished thanks to the generosity of the host countries and the local population, the hard work of some non-governmental organizations and the intervention - regrettably limited at the beginning by funding constraints - by UNHCR and other United Nations agencies. Developments of a political and military nature and some recent contributions of funds may prevent a further deterioration in the situation.

THE ADMINISTRATIVE AND FUNDING SITUATION

Such are the realities and challenges of the present. In order to respond meaningfully and effectively to them, the Office has spent a good part of the first nine months of this year reassessing and redesigning the necessary structures, procedures and funding basis of our programmes.

At the May meeting of the Executive Committee, I referred to the better use of our resources as one of the six pillars of our funding strategy. I believe that some major steps have been taken in this direction. We have a new structure at UNHCR Headquarters, notably leaner at the top, and we have the capacity through the Senior Management Committee to take policy decisions and follow through. We are now in the process of retrenchment, through reducing posts by 15 per cent, and are currently implementing decisions to bring to 19 the number of UNHCR Offices closed or to be closed in various parts of the world. While these measures will in the longer run lead to significant economies, their implementation within a very tight time frame will require additional resources in termination indemnity to separated staff. I know that I can count on the understanding and support of the Executive Committee in this regard.

In the middle of these changes, more than 130 UNHCR staff members have been reassigned at short notice and have been, or are, on the move. Although such reassignments have undoubtedly had a disruptive effect both on the individuals and their families as well as on the overall functioning of the Office, they were necessitated by deferral of such decisions for sometime in the past. Throughout this, at times both painful and very difficult period, UNHCR staff - and their elected representatives, the Staff Council - have shown a sense of co-operation and understanding which I consider to be exemplary.

Other pillars of the strategy have been further developed and I will come back to two of those pillars later, that is the political tool of early warning initiatives and the efforts to promote voluntary repatriation. I should mention that initiatives to promote new government and private donor support require further efforts and - I should add - also investment in time and resources which we do not have at present. Nevertheless, the limited results which have been achieved indicate the importance of continuing efforts in this area with vigour and conviction.

Support from traditional donors has once again proven to be a reliable pillar and one of which I am deeply appreciative. Mainly thanks to this group of donors, we have so far received \$ 406 million, of which \$ 286.7 million are for General Programmes and \$ 119.3 million for Special Programmes. This income, covering the three quarters of the year, corresponds to slightly less than three quarters of our projected income for 1990 of \$ 550 million. However, I am concerned that after taking into account anticipated secondary income, we still require some \$ 60 million to fund our General Programmes, and that the donors' response to a number of important Special Programmes remains very disappointing.

In general, the impact on refugees of UNHCR's financial problems, particularly in Africa, has been severe. Operations which are inherently difficult and where achievements are hard to consolidate are particularly vulnerable without the resources for contingency reserves and buffer stocks. In such circumstances, reaching even basic minimum standards requires not only proper planning but also that things should happen as planned. When they do not, problems can escalate quickly if additional resources are not immediately at hand.

The timely provision of sufficient amounts of the right kind of food has proved a particular problem, but the effect of inadequate resources has also been felt keenly in missed opportunities for solutions, for example for organized repatriation from Malawi to Mozambique and local integration in Somalia. Of no less concern is the impact of the funding situation on protection and asylum policies, an issue which has been covered in the Note on International Protection presented to this session of the Executive Committee.

Education opportunities for refugees have also had to be cut back. For example, construction of schools in Western Ethiopia has been postponed, it has not been possible to meet the full demand in Malawi, and a slow response to the appeals for Liberian refugees has limited assistance to date to the provision of only the most basic teaching materials. Over 200,000 primary school-age refugees have been affected as a result in these programmes alone. The full effect of the financial problems, however, is not yet apparent. While, for example, the impact of reductions in the transport sector for maintenance, spare parts, vehicle replacement and access-road maintenance is starting to be felt, this will become increasingly severe and costly with time.

I cannot conclude my remarks on the financial situation of UNHCR without expressing my deep concern over the crippling effect of the unstable and unpredictable nature of funding our activities. Living almost on a month-to-month, sometimes week-to-week basis is not only

uneconomic - and may I say not very dignified - but it also makes UNHCR a much less responsive and effective organization. The simple truth is that the Office does not have the flexibility today to respond immediately and effectively to new emergencies nor the capacity to plan ahead. I hope that during this session we can reflect further on this matter.

PRIORITIES

Access and security

When deciding on how best to use limited resources, one is constantly obliged to set priorities. I want to take this opportunity to emphasize that two fundamentally important elements in setting priorities must be UNHCR's access to the refugees and conditions of security for refugees and agency personnel. It is impossible for UNHCR to ascertain that our protection mandate is respected and that limited resources are well spent if UNHCR does not have free and regular access to the refugees. Similarly, I cannot justify maintaining for a long time a refugee assistance programme in a country where the authorities show themselves incapable or unwilling to provide basic security conditions. Situations where minimum modalities ensuring access and security are not existing will inevitably be given low funding priority.

Refugee women

Speaking of priorities, you will note that the subject of refugee women is addressed at both sub-committees of the Executive Committee this year. This reflects the importance of emphasizing the "human" aspects of our activities, focussing as it does on those persons who, with their dependent children, represent the largest number of beneficiaries of our programmes. Ensuring that the issue of refugee women is addressed throughout our programmes requires adaptation of existing procedures, and a climate of understanding and support of the importance of this factor among governments, implementing partners and UNHCR staff. Progress has been made over the past year in reinforcing the foundations of this support through training and in the formulation of a policy on refugee women. However, I expect that the coming year will put even greater emphasis on practical implementation, and will provide concrete examples throughout our programmes of this policy in action.

Early warning

Early warning of developing refugee situations and their mediation is one of the most effective methods to contain problems. I believe UNHCR has a duty to play a role in wider international efforts in this regard. I have for the same reason initiated a number of activities within the Office in order to enhance our ability to respond to a problem, preferably before, but at the least when, it occurs. The borderline between being seen to speculate in the emergence of a new refugee situation on one hand and, on the other hand, taking all necessary precautions to be prepared - both in terms of addressing the underlying causes and building up the necessary capacity to respond - is a fine one

and requires a sense of responsibility. Not to attempt to prevent a situation from developing, or not to be prepared for it would however be irresponsible.

International protection and human rights

In our efforts to pick up early warning signals - which indeed must be the first step in UNHCR's primary protection function - the link between protection and respect for human rights must be stressed. Indeed, the human rights dimension remains the constant factor at the core of the refugee issue. The challenge presently confronting us is how to adjust our thinking and approaches to the realities of today's movements of refugees and asylum-seekers, while at the same time ensuring that the human values underlying international concern retain their central place and that international protection is guaranteed for those who need it - now and in the future. I shall not elaborate further on these thoughts but simply refer to the Note on International Protection which provides you with UNHCR's thinking on future directions for refugee policy which states and the international community might develop together.

SOME OF TODAY'S IMMEDIATE CONCERNS

Protection of refugees and return of rejected cases

Attempting to plan ahead while at the same time grappling with the immediate problems of protection and assistance is the daily reality for many of us. In South-East Asia, we have for months been confronted with the immediate and operational protection problem of ensuring that all asylum-seekers arriving in boats have access to first asylum. The problem is immediate in the sense that the very survival of individual asylum-seekers is often at stake. At the same time, it has been clear for a long time that the main characteristics of the outflow are no longer solely that of a refugee phenomenon.

To perpetuate such a situation could jeopardise the core of my mandate, namely to protect refugees through ensuring the grant of first asylum. It is against this background that, on the basis of the Comprehensive Plan of Action, UNHCR has made itself available to the governments concerned to help seek a consensus on the contentious issue of the return of those found not to be refugees. I am hopeful that humanitarian solutions are emerging which will secure continued protection for those in need of it whilst, at the same time, providing for the return, in safety and dignity, of those found not to be refugees. The combination of efforts to reduce the non-refugee elements of the outflow through extensive information campaigns and economic assistance to communities from which people leave and to which they return as well as of measures upholding fundamental protection principles are being increasingly successful in resolving a difficult and long-standing problem in that region.

In Europe, too, we are increasingly witnessing migratory movements of which refugee flows are but only one aspect. The problem facing European governments is often not so much that relating to refugees whose status

and rights are clearly recognized in international conventions and resolutions. Rather, it is of how to handle in a rapid, efficient but safe and dignified manner those not meeting the refugee criteria. We are noting an increasing understanding among governments that these matters cannot be solved through stringent border procedures but rather by way of international co-operation, combining asylum and resettlement with economic aid to countries or regions of origin and the early return, in conditions of safety and dignity, of those not meeting the refugee definition.

An integrated approach

Nowhere has the inter-relationship between causes and solutions, refugee aid and development aid, national and international efforts been better demonstrated than in Central America where the CIREFCA process stands out as a model of solutions to the problems of uprootedness. The impressive response of the international community at the CIREFCA follow-up meeting held last June in New York was tangible evidence of the support for CIREFCA, which links the Office's own limited assistance efforts with the much longer and more durable process of development in the region. In this respect, it not only serves as a contribution to solutions in the Central American region, but could also act as a guide and model for other parts of the world. With respect to international protection, Belize's welcome accession to the 1951 Convention, legislative moves in Mexico to reinforce the status of refugees in that country, and the favourable changes in attitudes to and actual movements of voluntary repatriation have also been inspired by CIREFCA. The institutionalised and well-functioning co-operation between UNDP and UNHCR to further the CIREFCA process is yet another example which, hopefully, will be emulated in other parts of the world.

Unfortunately, the example of CIREFCA stands out in stark contrast to some situations in other parts of the world where the outlook is less optimistic. I began my statement by referring to the Gulf crisis, which threatens international peace and security, but there remain other situations which are of comparable gravity and yet they fail to command the same attention and interest. A few weeks ago, I addressed the Conference of the Least Developed Countries in Paris. I was then once again reminded that while we rejoice in a new political climate which is ushering in a period of reconciliation and reconstruction in some parts of the world, the situation in others remains one of social and economic depression. It is evident that lack of development and under-development are major factors causing instability and mass movements of people. It is equally obvious that adequate development aid can itself contribute to the prevention, and eventual solution, of refugee problems. The large majority of today's refugees are moving from the world's poorest nations to the world's poorest nations. If we do not address the plight of the developing countries we will not only condemn present and future generations, we will inhibit the possibilities to seek solutions and bear the responsibility for a further deterioration in the world refugee problem.

The situation in the Horn of Africa illustrates my point. Continued conflicts, perennial problems of drought and famine, poverty and

underdevelopment and little international readiness to come to the aid of the destitute peoples of these countries, continue to render the situation almost hopeless for refugees. I say "almost" because there are indeed possibilities for the voluntary return of refugees which would not only provide the best solution for those individuals, but could also help to spark off other positive movements in the region and break the cycle of desperation. Unfortunately, not only has UNHCR been unable to seize fully these possibilities due to lack of adequate funds, on the contrary, I must express my deep concern on early-warning signals suggesting the recurrence of famine in the region. UNHCR has established an internal Task Force and has contacted other bodies of the United Nations system, governments and non-governmental organizations in order to set up the necessary contingency plans.

FUTURE PERSPECTIVES

Where are we then after the first nine months of the year, and two months before the commencement of the fortieth anniversary of the establishment of UNHCR? And where do we go from here?

One of my aims has been to strengthen the credibility and moral authority of the Office. Another aim has been to sustain the morale of the staff. I hasten to add that these are not aims in themselves but necessary tools to place UNHCR on the international map as the effective focal point for the efforts of the international community in favour of 15 million individual refugees, children, women and men.

I am encouraged by the response we have had so far. UNHCR is being increasingly solicited. The staff is responding with traditional devotion to duty and, may I say, enthusiasm. I believe we are now equipped to embark on the next phase, that is, in concrete and practical terms to seize the many opportunities which the new international climate has, despite set-backs, created. I have three major ambitions for the forthcoming months.

Promoting Voluntary Repatriation

My first ambition is that UNHCR should be prepared to seize all the possibilities for voluntary repatriation, which is the best solution for refugees, the most productive use of resources, and a concrete contribution to peace and stability. The recent completion of the return home of over 43,000 Namibians, and more than 30,000 Central Americans show that it is possible. Favourable conditions have also led to an increased momentum in the voluntary return of Chileans. Despite all obstacles, a fragile but promising start has been made with the return of more than 50,000 Afghans under the voluntary repatriation pilot project launched earlier this year. We hope such movements will be the springboard for much larger returns. I should add that around another 125,000 Afghans have also returned home spontaneously from Iran and Pakistan. Political developments surrounding Western Sahara and Cambodia are now moving at such a pace that UNHCR must - and indeed is eager to - prepare itself for a major role in the overall settlement plans under the auspices of the United Nations. In both situations, the return of refugees is of necessity one of the first priorities.

In the case of Cambodia, in the light of the framework agreement now accepted by all parties and endorsed by the Security Council, accelerated steps are being taken to prepare the ground for the safe return of the refugees and displaced population. To embark on such preparations, significant "up-front" funds would be required. Repatriation, being a part of a multi-faceted peace making effort by the United Nations, must be funded through regular United Nations financing mechanisms but the lead responsibilities accorded to my Office cannot be discharged unless we are given the means to do so. That is why I have been in contact with the Secretary-General with a view to addressing this urgent problem.

We also follow developments in Southern Africa with a deep interest and are prepared - as indeed the parties are aware - to contribute to the voluntary return of both South Africans and Mozambicans when the conditions therefor are attained. I will remain constantly alert to other possibilities and seek and expect the political and financial support of the international community whenever we believe voluntary repatriation to be possible.

Securing asylum

The policy we pursue today will be decisive for future refugee flows, and so my second ambition is to conduct a policy which is geared to securing asylum, for refugees also in the future. This requires unwavering commitment to fundamental principles of protection against return or refoulement of a refugee to situations endangering life or freedom. However, in order to secure admission and asylum for those in need of protection, we have to be prepared to address the much larger issue of migratory flows. Persecution and oppression have to be met by asylum, migratory flows by preventive economic and development aid. To blur the distinction may be detrimental to the specific interest of individual refugees, but to ignore the links would be unrealistic and demeaning to the aspirations of all human beings seeking a future with dignity and safety. Unless the issue of migration is dealt with forcefully, through economic and development policies that go well beyond the traditional patterns of humanitarian assistance to people in need, governments of both developed and developing countries may find it even more difficult in the years ahead to rationally and successfully cope with mass exoduses. At the same time, my Office may find it impossible to continue to effectively identify, protect and assist persons falling within its competence.

Placing the issues on the international agenda

My third ambition is to have these issues placed on the international agenda. It is, in my view, increasingly evident that the issue of refugees and migration at large is bound to be one of the threats to the broad concept of international, regional and national security in the decade ahead of us. I shall miss no opportunity to raise these issues with world leaders, competent organizations, the public and the media. The increasingly interdependent world obliges all of us to lift our thinking and actions beyond parochial bureaucratic interests.

If the causes of refugee movements go unchecked, if the poor are forced to move in ever increasing numbers towards the more prosperous regions, then the threat to our common future security is a real and immediate one. But let me be quite clear. It is not individual refugees or migrants who pose this threat. They themselves are victims of injustice and inequality. They are our conscience too, an insistent reminder of the need to combat the various forms of political and economic oppression that so gravely afflict our world. The threat of which I speak lies, rather, in the root causes of refugee movements and uncontrolled migration. It lies in the inequalities and injustices that we have created or condoned. The solution is not to put up barriers or to deprive refugees of the protection they deserve. Nor is it to condemn the poor to live with their deprivation. What is needed, on the contrary, is a clear policy of asylum for refugees and a firm commitment to development aid for the impoverished of the world. If the international community can move on these two fronts, I am convinced we will be laying the foundations for a more secure and peaceful future for generations to come. To follow any other road would be to miss the opportunity offered to us by the new climate of reconciliation. More importantly, it would be to jeopardise whatever opportunity we may have of creating a safer world.

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.96/761
15 October 1990

ENGLISH
Original: ENGLISH AND FRENCH



EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-first session

REPORT ON ACTION TAKEN BY UNHCR
ON THE RECOMMENDATIONS OF THE TEMPORARY
EXCOM WORKING GROUP ON PROGRAMME, BUDGETARY,
ADMINISTRATIVE AND ORGANIZATIONAL MATTERS*

(Submitted by the High Commissioner)

1. This report covers actions taken by UNHCR in implementing the recommendations contained in the Report of the Temporary Executive Committee Working Group (doc A/AC.96/742) dealing with programmes, budgetary and administrative matters. Programme matters are considered in paragraphs 2 to 35; budgetary matters in paragraphs 36 to 55; and administrative and organizational matters in paragraphs 56 to 89.

A. PROGRAMMES

Introduction

2. The above-mentioned Report underlined the fact that the assessed needs of refugees should be met by the whole international community, on the basis of humanitarian and fair burden sharing (39 a). This consideration has been reflected in UNHCR's concerted efforts to ensure that refugees benefit from the relevant services provided by the entire United Nations system, and as such should be included in all pertinent programme activities of the agencies concerned (40 e). A separate report dealing with inter-agency co-operation details efforts made by UNHCR in this regard. The same consideration has formed the basis for UNHCR's on-going attempts to obtain an increase for its administrative and support costs from the United Nations Regular Budget (40 1). Efforts in this connection are considered in paragraphs 52 to 54 of this Report. UNHCR's actions in pursuance of the Working Group's recommendations for the Office to broaden its donor base are covered in a separate report.

* This document was presented to the forty-first session of the Executive Committee of the High Commissioner's Programme under the symbol A/AC.96/XLI/CRP.1

3. In the difficult task of managing its scarce resources, UNHCR gives priority on the one hand to the search for durable solutions and, on the other, to the central elements of its refugee programmes, above all those that relate to protection, life-saving and life-sustaining activities, and those that seek to attain an acceptable level of dignity for refugees. UNHCR has sought, in the different refugee situations, to safeguard these vital elements and to monitor the impact on the well-being of refugees of downward budgetary trends and reductions. The fact remains, however, that it is almost impossible under the present financial circumstances confronting UNHCR to respond adequately to the needs of refugees, let alone exploit to the fullest, opportunities that present themselves for durable solutions, especially through voluntary repatriation (see paragraph 16 of document A/AC.96/753).

4. It will also be recalled that the Temporary Working Group requested UNHCR to review its activities and to make the necessary changes to ensure, particularly, a more cost-effective and improved programme delivery (39 b). This matter is being progressively addressed perforce the High Commissioner's six-pillar strategy which includes the better use of UNHCR staff resources (see paragraph 18 of document A/AC.96/753).

5. The presentation of needs, and the recommendation that priorities to be attributed to life-saving and life-sustaining activities be reflected in UNHCR's budget and distribution of projected income (39 c), have already been addressed in the High Commissioner's letter of 14 March 1990 to the Representatives in Geneva of donor/EXCOM governments and in Annex 3 of document A/AC.96/743 presented to the May 1990 Extraordinary Session of the Executive Committee under the title Up-date of UNHCR Programmes and Budget and of the Financial Status. The Deputy High Commissioner, in his statement to that session of the Committee, addressed this issue and said: "Bridging the gap between needs and income has led us to review our funding recommendations, which are based on the priority needs of the Programme.... In the Funding Proposal, some Special Programmes will suffer delays because of a lack of resources. However, the important feature of the Plan is that priorities continue to be respected, and that emphasis be squarely placed on the General Programmes".

Countries of origin

6. UNHCR is committed to the promotion of durable solutions (39 d) through exploring with countries of origin, at the earliest opportunity, the possibility of voluntary repatriations. Document A/AC.96/753 as well as the relevant chapters of document A/AC.96/751 refer to the important role of tripartite repatriation commissions in this regard (39 d), particularly in Africa and Central America. As the High Commissioner mentioned in his address to the Extraordinary Session of the Executive Committee, the fourth and fifth pillars of his strategy for overcoming the present difficulties facing UNHCR are political tools and voluntary repatriation: "Whereas I am eminently aware of my non-political mandate, I intend to be alert to political initiatives - and to attract the attention of those concerned - wherever I believe they may either prevent the refugee situation from emerging or lead to solutions of existing problems. Such initiatives may often also be productive in the promotion and pursuit of voluntary repatriation movements."

7. Among other initiatives related to countries of origin, it might be noted that UNHCR has set up an internal Working Group on Early Warning

Systems. Furthermore, the Working Group on Protection and Solutions will commence its deliberations in September 1990 and address, inter alia, the problems/causes contributing to the outflow of asylum-seekers.

8. The efforts being made by UNHCR to bring to the attention of the international community, especially the relevant agencies of the United Nations system and the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD), the need for programmes, especially of a developmental nature, that could address problems/contributory causes of refugee outflows, as well as promoting voluntary repatriation and reintegration (39 e) are described in the report on actions relating to co-operation with other agencies.

9. As regards root causes (39 f), the Deputy High Commissioner in his statement on 4 April 1990 to the meeting of the Consultative Committee on Substantive Questions (Operational Activities) (a subsidiary body of the Administrative Committee on Co-ordination (ACC) of the United Nations) while recognizing the complex nature and causes of refugee outflows, which often involve human rights abuses, noted the role of underdevelopment and economic deprivation. He went on to say: "This is not to say that refugees leave primarily for economic reasons, but it is to acknowledge that severe economic hardship, when an added element in situations of broad civil disorder, can be the factor tipping the balance in favour of departure".

Countries of asylum (39 h)

10. In a background paper prepared for the Second United Nations Conference on the Least Developed Countries, UNHCR reiterated some of the recommendations made in the Report of the Temporary Working Group Report relating to countries of asylum. In particular, it noted that: "Assistance to refugees and returnees and to the areas affected by their presence should be provided in a manner that is integrated within national development plans and thus allows the best use of the resources available through national and international institutions". The paper also pointed out that within the United Nations system, procedures to make the best use of available resources and expertise must be further refined and went on to state that the key to success, however, lay in galvanizing into action those development institutions that have not hitherto considered the problem of refugees as being their proper concern or priority. Such mobilization, the paper argued, should also extend to the non-governmental sector, both national and international.

Impact of programme revisions (39 j)

11. In response to the request of the Temporary Working Group, document A/AC.96/744 examining the impact of repeated major downward programme revisions was presented to the May 1990 Extraordinary Session of the Executive Committee. UNHCR continues to monitor such impacts. Instructions issued to UNHCR Field Representatives in July 1990 requested their assessment on those sector-activities where budgetary reductions have seriously affected the well-being of refugees, as well as planned durable solutions. They were also asked to give indications as to where they would place the highest priority for additional resources, if such were to become available.

Self-reliance and refugee participation (39 k)

12. UNHCR continues to promote the goal of self-reliance for refugees where this is feasible and their legal status permits. In its Paper on Refugee Aid and Development presented to the Meeting of the Consultative Committee on Substantive Questions (Operational Activities) which met from 3 to 5 April 1990 in Geneva, the Office underlined the fact that the goal of interventions (in addressing refugee situations) was to achieve a durable solution. In this regard, bringing the refugees to a stage where they are not overly dependent on aid, and where they are able to achieve a degree of self-sufficiency, e.g. through engaging in food or other agricultural production and self-help activities, is important, especially in relation to local integration. Microtype activities aimed at self-sufficiency could only have a real impact if they were pursued in the context of broader initiatives focused on the area where the refugees are living. The broader macro initiatives aim at infrastructural and sectoral development of the area concerned, and it is only against this backdrop that micro projects of a self-help nature will have any enduring benefit. For these initiatives to be acceptable and effective, they must embrace the areas (and their populations) where the refugees intend to settle, or to which they will return. The role to be played by United Nations agencies in the success of such solutions is self-evident. As the Temporary Working Group Report indicates (39 h), such initiatives should facilitate, whenever possible, the interaction of refugees with activities of the local economy, and extending to them appropriate legal and social rights.

13. Related to the theme of self-reliance is that of refugee participation in activities aimed at assisting them, especially, in finding durable solutions to their plight. UNHCR has established an internal Working Group on Refugee Participation which is in the process of drafting an instruction to field offices on this question. In the preparation of this instruction, the Working Group has built, particularly, on the results of a UNHCR Consultancy Report prepared by the Refugee Policy Group (Washington) entitled: "Refugee Participation: Broadening our Vision". Also of relevance in this regard are the conclusions developed by UNHCR staff who participated in the Workshop on Refugee Participation and Social Services in Camps and Settlements, held in Nairobi from 17 to 21 November 1986 under the auspices and sponsorship of UNHCR, the Lutheran World Federation and the World Council of Churches/All Africa Conference of Churches.

Statistics (39 m)

14. In an instruction issued in April 1990 to all Representatives, UNHCR set out a format for collecting more accurate data on refugee populations. Field offices were asked to provide a breakdown of both Assisted Caseloads (reception centres, rural settlements, urban refugees) as well as the Non-assisted Caseload (rural and urban). These gradual refinements in UNHCR's data collection on refugee populations should go some way in meeting the Temporary Working Group's concerns on this point.

Programme presentation (39 n)

15. The Report of the Executive Committee Temporary Working Group raised the question whether the distinction between General and Special Programmes remains valid.

16. It will be recalled that General Programmes are made up of the Annual Programme and the Emergency Fund, and cover the projected needs for refugee protection and assistance activities for a given year, except for a part of related programme support and administrative expenses funded from the UN Regular Budget. The General Programmes are approved annually by the Executive Committee, their implementation, however, being contingent on the availability of sufficient voluntary contributions.

17. On the other hand, Special Programmes is a term that has evolved to describe all other programmes and initiatives that fall outside the scope of General Programmes, but which are also funded through voluntary contributions. Financial Rule 6.8 allows the High Commissioner to "establish trust funds, reserve and special accounts for moneys becoming available to him for purposes falling outside the Annual Programme, provided that the purposes are consistent with the aims, policies and activities of UNHCR". Special Programmes thus embrace, inter alia, UNHCR "good offices" type of activities; specific activities undertaken at the request of the United Nations Secretary-General; refugee education programmes covering post-secondary education i.e. the Education Account; returnee programmes that aim to give assistance, limited in time and scope, to returnees in their countries of origin; and other special trust funds for programmes such as the Junior Professional Officers programme.

18. Included under Special Programmes are also assistance programmes designed to address new refugee situations which have arisen between sessions of the Executive Committee and which are of such nature and magnitude that they cannot adequately be addressed through the approved General Programmes for that year, especially through the Emergency Fund or the Programme Reserve. Similarly, major voluntary repatriation operations have also been treated as Special Programmes. Frequently, however, the Executive Committee has decided at its subsequent session to incorporate such refugee programmes into the General Programmes, either with retrospective effect for the year in question, or, as is often the case, for the subsequent year.

19. Another example of how the Executive Committee has determined the scope of General Programmes over the years, is the way educational assistance to refugees has been dealt with. Originally, the General Programme only covered primary education, with all higher education being covered by special contributions to the "Education Account". Subsequently, the Executive Committee decided, in relation to educational assistance, to extend the scope of the General Programmes to cover all secondary education. The Education Account now provides for post-secondary education only.

20. While the appropriateness of the terminology "General Programmes/Special Programmes" might be questioned, the central issue is not whether there is the need to maintain these two categories of programmes, but to reflect on the scope of these categories.

Costs of transporting food (39 o-t)

21. There has been considerable progress in discussions between UNHCR and the World Food Programme (WFP) on the question of internal transport, storage and handling costs (ITSH) incurred in the provision of food to refugees. Negotiations have focused on the following: achieving a transparent,

effective system of obtaining, recording and tracking ITSH pledges/receipts; the receipt by UNHCR of regular information on WFP pledges/receipts; prompt transfer to UNHCR of ITSH funds; and the type of reporting required of UNHCR by WFP to account for ITSH funds received by UNHCR from WFP. It will be recalled that UNHCR has budgeted for the receipt of \$ 11 million in ITSH costs for 1990 and \$ 15 million for 1991. UNHCR has expressed its appreciation to WFP for its concerted efforts to obtain ITSH contributions, together with the food aid provided through WFP to refugees and other persons of concern to UNHCR.

22. Negotiations are also quite advanced, at the technical level, on the roles of the respective organizations in the provision of food for refugees. A draft has been prepared by the relevant units of both agencies for consideration by their senior managements on a proposed new division of responsibilities. Basically, the draft envisages that WFP will assume the lead role for the mobilization of all resources required in terms of all basic food aid commodities, as well as for related external and internal costs. The envisaged new arrangements would gradually extend to all refugee situations (except those involving small numbers of beneficiaries). A second area of proposed expanded responsibilities relates to the actual arrangements for ITSH. WFP would make the necessary operational arrangements in this regard within recipient countries. Once the draft document has received the approval of the senior managements of both agencies, it will be discussed with Member States of the Executive Committee.

23. The Temporary Working Group has asked for the volume and estimated value of food commodities for refugees, as well as their sources, and information on ITSH costs, to be identified. At the moment, the information presented to the Executive Committee at the country-level (document A.AC.96/751), provide some indications on these issues. Ways are being explored to improve this presentation. WFP will also be presenting an information paper to the forty-first session of the Executive Committee.

Evaluation and audits

24. The Temporary Working Group's recommendation on the need to take into account evaluation and audit findings in programme planning, delivery and review cycles will be adequately reflected in the on-going revision of the UNHCR Manual, especially in the section which deals with programme and project management. Furthermore, the new Headquarters structure, especially the bringing together of Programme Co-ordination and Technical Support, Financial and Project Control, Treasury, General Services, Supplies and Food Aid, and Information Systems, under the direction of the Controller, will contribute to strengthening the internal procedures for a timely response to the findings of Audit and Evaluation Reports (39 u).

25. Under the new Headquarters structure, the evaluation function has both been strengthened and its independence assured (39 v). It will be seen in the Organization Chart (Annex I) that both the Evaluation Committee and the Central Evaluation Unit report directly to the High Commissioner's Office.

26. The request of the Temporary Working Group to have summaries of evaluation reports has been responded to in the document entitled Information Note on UNHCR's Evaluation of Assistance Activities (document A/AC.96/757).

27. Discussions have commenced with the UN Internal Audit Division on the proposal of the Temporary Working Group for increasing the audit coverage of UNHCR activities, including management audits. Presently, UNHCR has to fund five professional staff and two general service staff of the UN Internal Audit Division, as well as associated travelling costs of audit teams in connection with auditing UNHCR activities. While supporting the requests of the Temporary Working Group, UNHCR will need to review more closely the above-mentioned proposal in the light of resources available at the time of the preparation of the 1991 Audit Plan.

Implementing agency personnel (39 x)

28. Annex II shows a summary of agency-contracted personnel in the field supervised by UNHCR staff as of 1 July 1990. The table distinguishes between tasks equivalent to those at the professional and local general service levels. Out of a total of 703 staff, the vast majority (95 per cent) are in the latter category. Over 400 (58 per cent) of the personnel retained under such arrangements are in three countries: Hong Kong, Pakistan and Thailand. Special labour-intensive programmes there, namely the Repatriation to Afghanistan and the Comprehensive Plan of Action (CPA), require UNHCR to supplement its capacity to respond to evolving operational needs. Furthermore, almost 50 per cent of those engaged in professional-level functions are working in the legal sector, where eligibility determination requires substantial local expertise.

29. UNHCR resorts to these administrative arrangements only in the field and primarily in the following circumstances:

- where there is no implementing partner with the relevant operational capacity readily available;
- where UNHCR has an outpost or field presence in remote areas which need support staff, there being no established UNHCR office in the area. In such circumstances, the type of personnel recruited are often from the refugee population itself eg. interpreters.
- where the use of such personnel is administratively easier, given the often temporary and short-term nature of the work;
- where UNHCR has no or limited formal representation and UNDP provides certain administrative support services. Annex II statistics include 75 such cases where UNDP contracts locally-recruited general service staff under special service agreements.

30. UNHCR's policy is not to expand this type of contractual arrangement. Rather, UNHCR will seek to assure the services presently being provided by agency contracted staff through full delegation of responsibilities to implementing partners, wherever this is possible, or by making provision for posts in UNHCR staffing tables.

Consultancies (39 y)

31. This section of the Report makes a distinction between corporate consultancies (that is, whereby a contract is signed with the company for its

services), and consultancy-type contracts are concluded with individuals. In relation to corporate consultancies, as at 1 September 1990, such contracts existed with only three companies (as compared to five companies in the earlier part of the year). All of these consultancies relate to the hiring of staff in the EDP field so as to add their specialized skills to those of in-house staff during the analysis, development and installation of computer applications. The practice of retaining external computer experts to supplement internal staff is common among major computer system users. Altogether some 3,150 work days under such consultancies are envisaged, in 1990 at a budgeted cost of some \$ 1,600,000. It is expected that in 1991, the number of work days will be reduced to 2,190 the equivalent of 10 work years.

32. As of 1 September 1990, individuals on short-term, consultancy-type contracts were as follows:

- 43 legal assistants, mainly located in South-East Asia as part of the CPA;
- 6 UNHCR honorary Representatives;
- 18 short-term personnel engaged to cope with emergency situations in the field, pending the assignment of UNHCR staff;
- 22 sectoral/technical specialists.

33. None of these contracts have a duration longer than six months (often part-time), with the remuneration being variable and commensurate with the services provided, and in no case exceeding the cost of an equivalent staff member with comparable skills. The authority to issue these consultancy-type individual contracts rests in Headquarters. Of these contracts, only 18 are consultancies in the accepted sense of the term, providing short-term technical expertise not available in-house.

Special Programmes and Support Costs (39 z)

34. As mentioned in the Update of UNHCR Programmes and Budget and of the Financial Status (document A/AC.96/743) presented to the Extraordinary Session of the Executive Committee and in document A/AC.96/753, paras. 96, 98, following a review of the levels of programme support and administrative expenditure, transfers have been effected from General Programmes to Special Programmes so as to redress the imbalance noted by the Temporary Working Group. The overall result is an improved attribution of support costs between General Programmes and Special Programmes. To ensure funding of all indirect overhead costs associated with Special Programmes, UNHCR, in pursuance of the Temporary Working Group's recommendation, is now progressively applying a variable overhead charge on Special Programmes, the mechanism for which, however, will need further refinement.

Programme planning (39 aa)

35. Progress has been made in UNHCR's consideration of the question of programme planning and the related issue of multi-year budgeting (see paras 39-43 below). UNHCR sees the merit in the Temporary Working Group's proposal in certain areas of its activities. However, experience to date

readily illustrates how even one year's programme planning may be nullified because of unforeseen emergencies, even when planning has been based on conservative financial projections.

B. BUDGETARY AND FUNDING MATTERS

1990 obligation level (40 a)

36. The issues raised in this recommendation of the Temporary Working Group have largely been addressed by the Extraordinary Session of the Executive Committee, and in document A/AC.96/743 which provided an Up-date of UNHCR Programmes and Budget and of the Financial Status as well as in the announced "six pillar" strategy of the High Commissioner, namely, better use of UNHCR's resources; efforts to find new donors; fund raising in the private sector; the use of political tools; voluntary repatriation; and continuing efforts to obtain resources from traditional donors.

Budget presentation/approval (40 b)

37. UNHCR is pursuing the recommendation made by the Temporary Working Group by linking budget presentations with resource projections. The High Commissioner's letter of 14 March 1990 and Annex 3 of the document A/AC.96/743 referred to in the previous paragraph illustrate this practice. A further up-date using a similar presentation will be presented to the Executive Committee as a Conference Room Paper.

Multi-year budgeting (40 c)

38. This topic is closely linked to the question of longer-term planning (see para. 37 above), although a distinction needs to be made between budgeting and planning.

39. Multi-year planning and budgeting were attempted during the 70's and early 80's. However, the constantly evolving nature of refugee situations at that time prompted frequent budget revisions which discouraged attempts then being made and, with few exceptions, annual budgeting was continued as a more realistic approach.

40. In UNHCR's preliminary thinking on the question of multi-year planning, the value of a multi-year plan for a project leading to a durable solution is recognized. It is envisaged that a multi-year programme submission from the field would specify sectors and activities for each year, provide tentative annual and total budget figures and include a proposed project completion date. The budget should be the result of a plan drawn up to meet assessed needs.

41. Similarly, the project submission would contain inter-alia, an indicative budget (at the sector-activity level) and narrative justification for each year of the multi-year plan, of which a detailed project description and budget (at the sub-item level) should be presented for the current year and the planning year. A review of the planned objective, contents and overall cost of the project would enable UNHCR management to take an informed decision about its viability and cost-effectiveness. This would allow a subsequent decision on whether to proceed with the project or to change its emphasis or direction.

42. Moreover, if UNHCR becomes involved in longer-term planning for specific refugee groups, the financial implications could be presented to the Executive Committee in the Annual Report and to donors in any subsequent appeals. This would allow interested donors to express interest in the long-term funding of a project.

Appeal budgets (40 d)

43. The recommendation of the Temporary Working Group that UNHCR appeals to donors should clearly indicate whether the funds are to be attributed to General or Special Programmes is being progressively implemented, as is the recommendation that arrangements to cover staffing requirements be clearly set out, while bearing in mind overall UNHCR staffing levels.

Interest and exchange gains/losses (40 e)

44. According to Article IV of UNHCR's Financial Rules, miscellaneous income (including interest earnings and net exchange rate gains) has to be credited to the General Fund. The Article however explicitly provides major exceptions. For instance, adjustments of prior years' expenditure (refunds, cancellations and additional charges) shall be applied to the fund from which the expenditure was incurred. In addition, amounts carried over from one year to the other also remain within the fund they belong to and are not credited to General Programmes.

45. Interest earnings and exchange rate differences amounted to 0.75 per cent of total income in 1989. It can therefore be concluded that a change of UNHCR's Financial Rules with regard to the crediting of interest and exchange rate gains would not significantly change the distribution of income between General and Special Programmes. As the present arrangement is administratively advantageous and less cumbersome than splitting between different funds, it is proposed that a change of the Financial Rules in this respect should not be considered for the time being. Once the new Financial Management Information System (FMIS) is fully in place and facilities for additional accounting records can be introduced without major costs and staffing implications, the issue could be taken up again, should the Executive Committee so wish.

46. A substantial percentage of UNHCR's programme expenditure is in local currencies. To facilitate accurate programme planning, meaningful budgetary controls and the monitoring of programme implementation, budgeting in the currencies in which expenditure is to be incurred has proved to be absolutely necessary. The UNHCR Programme Management System allows for components of budgets to be recorded in local currencies and United States dollars.

Contingency Fund (40 g)

47. The Temporary Working Group "requested UNHCR to examine and report to the Executive Committee on the need for a Contingency Fund for the purpose of enabling the High Commissioner to initiate implementation of vital programme/projects for refugees pending the receipt of contributions and to explain its relationship to the existing Emergency Fund".

48. UNHCR feels that there is value in having a Special Contingency Account (SCA) for two main reasons. Firstly, experience has demonstrated the need for funds that would be available through an SCA to permit the High Commissioner to make quick interventions to meet situations that were not provided for in the General Programme. In particular, these include needs that arise between sessions of the Executive Committee, and which exceed what can be provided through the Emergency Fund, needs that are subsequently the subject of special fund raising appeals. Secondly, the proposed SCA would be useful even in relation to the implementation of the approved General Programme. Here, an SCA could provide interim funding for the approved programme, while UNHCR awaits receipt of projected pledges that it has conservatively estimated it will receive.

49. The proposal to establish an SCA does not entail the establishment of any new operational funds or any changes to the UNHCR Financial Rules governing the existing Emergency Fund. It entails, rather, setting up a special account as an additional funding mechanism to meet contingencies. Contributions to the SCA would be administered in accordance with UNHCR Financial Rules, and the High Commissioner would report to each session of the Executive Committee on the use of contributions to the SCA. Furthermore, where necessary and to the extent required of him, the High Commissioner would consult with donors on the intended use of their contributions to the Account. Normally, the SCA would be replenished as soon as contributions for the proposed activities are received, and operational requirements for addressing needs are met.

50. Member States would be invited to contribute to the SCA with a view to eventually having in the Account an amount at least equal to 10 per cent of the budget for projected overall activities for a given year. Based on present programme activities, the amount would be in the order of some \$ 50 million.

51. It is thus recommended that the Executive Committee endorse the High Commissioner's proposal to set-up a Special Contingency Account (SCA) and authorize him to seek special contributions to it. The operation of the Account would be subject to UNHCR's Financial Rules and the High Commissioner would report on the use of the Account to each session of the Executive Committee.

UN Regular Budget (40 1)

52. As requested, UNHCR initiated contact with the UN Controller on this question and a number of different options were presented. Interim solutions were submitted to UN Headquarters by UNHCR for possible incorporation into the UN Regular Budget for the biennium 1992-93.

53. One of the proposed interim solutions comprised the following:

- the UN Regular Budget would meet all costs related to the 244 posts at UNHCR and not only the costs associated with emoluments and benefits currently being borne by the UN Regular Budget. Adoption of this proposal would result in an additional \$ 9 million being borne by the UN Regular Budget in 1992-93.

- that the UN Regular Budget would cover the emoluments and benefit costs of 17 UNHCR Representatives and Chiefs of Mission in least developed countries. If accepted, this proposal would lead to an increase of \$ 3.5 million in the UN Regular Budget over the biennium 1992-1993.
- that the non-staff costs of these same posts be also met. This proposal would result in a further \$ 0.9 million being borne by the UN Regular Budget over the biennium 1992-1993.

54. A note from the Deputy High Commissioner explaining UNHCR's proposals as regards the UN Regular Budget was sent to a number of the Member States of the Executive Committee in August 1990, to seek their support in the various programming and budgeting fora of the United Nations.

Funding information (40 m)

55. As of June 1990, UNHCR was producing financial summaries including current and anticipated income and expenditure. To date, these have not dealt with the cash situation. Annex III gives details of actuals and projections up till 30 September 1990.

C. ADMINISTRATIVE AND ORGANIZATIONAL MATTERS

Procurement/gifts in kind

56. UNHCR is in the process of updating procurement planning procedures as set out in the UNHCR Manual and taking into account the recommendations of the Temporary Working Group on the benefits of co-ordinated and synchronized purchasing. New suppliers, especially those in developing countries, as well as those in under-utilized donor countries, are continually being added to UNHCR's list of suppliers (41 b). International procurement is, in all instances, only undertaken after the local market has been studied and it has been established that there are distinct advantages in international purchasing (41 c). As the Office discusses contributions in kind with donors, the need for the funding of related transportation costs, and a full set of spare parts, where applicable, is being stressed.

Staffing (41 e-m)

57. The revised 1990 and the initial 1991 post tabulations (see Tables IV-B and V-B of the Overview, document A/AC.96/753) and the other relevant sections of the Overview (paras. 113 and 114) set out the situation on staffing (41 e).

58. Concerning emergency management, UNHCR is in the process of developing procedures geared towards more rapid and effective preparedness for and response to large-scale emergency situations. A formal "declaration of an emergency" by the High Commissioner would set in motion a number of special procedures, including the designation and convening of a Headquarters' Task Force. An emergency staffing roster, currently under development, should ensure that experienced emergency management staff are sent immediately to the scene of the emergency. Accelerated emergency procurement procedures will be reinforced; plans to have a central emergency stockpile, presently delayed

because of financial constraints, are still under active consideration. Taken together, these activities will enable UNHCR to address refugee emergencies in a more efficient and cost-effective manner (41 e).

59. The mechanism of advancing the timing of discontinuations (41 f), was resorted to in the recent May/June 1990 staffing review as a way of containing staff costs. Additionally, this review resulted in further discontinuation of 220 posts (see para. 25 of the Update of UNHCR Programmes and Budget and of the Financial Status, as well as paras. 113, 114 of the Overview).

60. Certain elements in the new revised Headquarters structure e.g. the bringing together of Programme Co-ordination and Budget within the Controller's Division, as well as envisaged consultations with the Division of Human Resources Management, and with the concerned Divisions, Regional Bureaux/Sections, should ensure a capacity within UNHCR to assess the need for posts and, furthermore, to control their creation, while bearing in mind budgetary considerations, namely how to finance them for their anticipated duration.

61. Similarly, on the basis of the Annual as well as Special Programme Reviews, Audit and Evaluation Reports, adequate mechanisms have been doubled up to ensure a capacity within UNHCR to:

(i) maintain staffing levels to a minimum

(ii) discontinue posts when they are no longer needed (41 g).

62. The ratio of substantive officers at Headquarters to secretarial support staff was also kept in mind during the various staffing reviews in 1990. As a result, 11 secretarial posts were discontinued between 1 January and 30 September 1990, and another 12 will be discontinued between 1 October and 31 December 1990, for a total of 23.

63. The current overall ratio of substantive officers to secretarial staff at Headquarters is 2.17. While it has been possible to achieve a ratio of 3:1 in certain organizational units, due to the type of work and extensive use of EDP, this however has not proved to be possible in all organizational units. Further efforts are being undertaken in these respects and, with further reductions to take place between now and 31 December 1990, the overall ratio will be 2.39.

64. A fuller study of secretarial support will have to await the finalization of the present reorganization of UNHCR and related retrenchment exercises.

65. Whenever possible, and in particular for projects of a relatively short duration, the organization has resorted to Special Service Agreements rather than to fixed term employment for support personnel. At the same time, it should be noted that social policy considerations currently applicable within the UN system preclude the organization from maintaining such contractual arrangements for very long periods of time.

66. While the High Commissioner is committed to a consistent and fair application of a rotation policy, there is still need to further refine certain elements of that policy so as to enhance the overall efficiency of the

organization. This would ensure, for example, that the more technical/specialist needs of the Office are adequately catered for and that budgetary considerations are weighed in any review of the lengths of assignment to various categories of duty stations (see Auditor's Report in this regard) (41 j).

67. Time constraints, in particular ongoing staffing reviews, have not permitted the Senior Management of UNHCR to consider in depth an internal UNHCR study which dealt with, inter alia, a core/temporary matrix of UNHCR posts (41 k). On the other hand, during the course of recent staffing reviews, it became obvious that there was a need to analyze the current distribution of posts between Programme Support and Administration (PSA) and Project Personnel Expenditure (PPE) based on the functions carried out by each post as well as the programme to which they belong. This exercise is scheduled to be undertaken later in the year. It should be underlined that this proposed review in and by itself will not affect the overall level of UNHCR staff resources. A first step in this exercise, which is subject to further review and refinement, has been taken in the preliminary categorization of posts into "established" and "temporary" posts in the presentation of staffing tables (see Overview Tables IV-B, V-A). This categorization is based essentially on the traditional distinction in the United Nations system, and on criteria that had received approval in years past whereby PSA posts funded from the UN Regular Budget and General Programmes were considered as established posts, while those funded from Special Programmes, as well as all PPE posts, were classified as temporary (see document A/AC.96/753 paras. 115, 116).

68. The Temporary Working Group's expressed wish for a shift in the existing 25/75 per cent ratio in Headquarters to Field positions further in favour of the Field was taken into account during the recent restructuring of UNHCR Headquarters which aimed at reducing the level of Headquarters staff vis-à-vis those in the Field. In terms of the Temporary Working Group's endorsement of the Executive Committee's Conclusions that more senior positions should be deployed from Headquarters to the Field, the Overview points out (see report on UNHCR action taken pursuant to para 34 (2) (c) of the Report to the fortiety session of the Executive Committee (page 59 English version, page 63, French version) that the average grade level by the end of 1990 at Headquarters will be lower than that of 1989. A number of further options may still be considered. One of these relates to the question of whether there should be more decentralization by moving the regional direction function to the field. The Ad hoc Review Group on the Role and Structure of UNHCR concluded that such a move should not be pursued for the foreseeable future (41 l).

69. In Resolution 44/198, the General Assembly approved, with effect from 1 July 1990, a package of measures which, inter alia, improved the remuneration system of staff, more particularly for those in the field. The package included provision for a mobility and hardship allowance and an assignment grant. These changes have provided a sizeable improvement in the conditions of service in the field (41 l) which, it should be noted, are the same as those applicable at UNICEF.

70. UNHCR is pursuing efforts with governments to increase their contributions towards the employment of Junior Professional Officers (JPOs), particularly in the fields of protection and programmes, although some

governments have already noted funding constraints in this regard. Presently, there are 58 JPOs with UNHCR. This scheme has continued to prove extremely beneficial both to UNHCR in terms of providing much-needed human resources, and to the JPOs themselves in terms of experience gained. It has long been recognized that increasing the number of nationalities from which JPOs are recruited would be in the interest of UNHCR (41 m).

71. UNHCR has strengthened relations with the United Nations Volunteers Programme (UNV), whose staff contribute to the implementation of various UNHCR programmes in the field. 31 UNVs are presently operating in UNHCR's programmes and efforts are being made to increase this number (41 m).

Headquarters structure

72. In a memorandum issued on 25 April 1990, the High Commissioner announced the actions that he had taken on the basis of the Report of the Ad hoc Review Group on the Role and Structure of UNHCR (see Annex I for the Organizational Chart). As a result of the reorganization, the number of senior managers reporting to or through the High Commissioner's Office has been almost halved (41 n).

73. In relation to the Controller's position, the High Commissioner decided to place in a single division of Programmes, Support, Budget and Finance all responsibilities envisaged under two separate Divisions of Programme Planning and Support and of a Controller as foreseen in the Report of the Ad hoc Group on the Role and Structure of UNHCR. While this leads to a sizeable Division, it is important for the Office at this juncture to be able to co-ordinate, control, and forecast from a single vantage point all programme and financial aspects of its activities (41 o).

74. As a result of the reorganization, the number of ad hoc units was considerably reduced (41 p).

Technical Support Services (41 q)

75. If UNHCR's assistance programmes are to be efficient and cost-effective, it is important that technical support be readily available for projects in various sectoral activities. UNHCR is committed to maintain the necessary technical expertise both at Headquarters and in the Field.

76. In terms of the balance between, and the respective merits of Headquarters or field locations, UNHCR feels that it is important to maintain a core of expertise at Headquarters, as well as specialist and technical staff in the field. Following the recent review of Technical Support Services, there are now at Headquarters only 15 sectoral specialists, assisted by 3 specialist JPOs. Each sector (social services, agriculture, sanitation etc) is covered by one specialist only, with the exception of two sectors, namely health and water, which have two officers each. On the other hand, UNHCR presently has some 40 specialists and technical staff posted in the field. The option of utilizing these staff, throughout regions, on an ad-hoc basis, is being explored. In addition, UNHCR is also drawing up an inventory or roster of all its staff with specialist or technical skills, so as to be able to use them more effectively. A core technical staff at Headquarters is necessary to provide technical guidance, support and supervision for field staff in particular to ensure common standards and approaches within and

between regions, as well as being a focal point for liaison with bureaux and other services. Moreover, as UNHCR seeks to involve other UN specialized agencies and NGOs in refugee-related activities, it is important that it has at its Headquarters the technical capacity to negotiate with the specialists from these agencies.

Field offices (41 r)

77. Among its recommendations on this subject, the Temporary Working Group invited UNHCR to establish a centralized responsibility for the regular review and rationalization of UNHCR offices in the Field.

78. As the High Commissioner mentioned in his statement to the Extraordinary Session of the Executive Committee, one of his strategies for addressing the difficulties currently confronting UNHCR was the better use of staff resources. In this context, he spoke of the plans under way for the closure and gradual phasing-out of a number of field offices. During 1990, 26 field offices at various levels came under active consideration for closure; one country-level office and seven other offices have already been closed. Negotiations are being pursued for the closure of other offices at various levels.

79. With the implementation of the new Headquarter's structure, in particular the bringing together into one section all activities related to Programme Co-ordination and Budget Management, it is felt that the Temporary Working Group's concerns that there be a focal point for the review of field offices will be adequately accommodated. The responsibilities that now rest in the Programme Co-ordination and Budget Section for reviewing the level of programme support and administration, including the need for field offices, responsibilities which are exercised in close consultation with the Bureaux and other relevant divisions, should provide the necessary organizational basis for timely recommendations to be made to Senior Management on the opening and closure of field offices.

Regional offices (41 s)

80. It will be recalled that the Ad-Hoc Review Group on the Role and Structure of UNHCR recommended that, with a view to reducing the number of individual field offices, the possibility of establishing Regional Offices should be examined. In fact, the Organization and Management Section of UNHCR had presented to the Ad-Hoc Review Group a paper on some potential areas for further regionalization.

81. To date, it has been decided to establish a Regional Office in Cairo which will cover the Middle East and North Africa. Similarly, a Regional Office is to be established in Brussels to cover the Benelux Countries. Other possibilities for regionalization are under active consideration. The nature of UNHCR's responsibilities and their political context is such, however, that significant levels of programme activity can rarely be directed effectively from another country. Once such levels are reached, there are clear advantages in an independent UNHCR country office.

Travel Costs and Allowances

82. The already severe austerity measures introduced in the second half of 1989 have been intensified further in 1990 in the field and at Headquarters. As regards official travel originating from Headquarters, a reduction in the range of 30 per cent has already been taken into account in the revised 1990 and initial 1991 budgetary estimates for support costs. The overall responsibility for the approval and control of official travel has been entrusted to the newly established Office of the Controller (41 u).

83. In view of continuing budgetary constraints, the suspension of pre-assignment missions, even to category III and IV duty stations has been maintained. Post reports compiled by UNDP and in a number of cases by UNHCR Branch Offices are already made available to staff assigned to duty stations in categories III and IV (41 v).

84. There are no further cases of staff placed on long-term mission status on posts to which they are subsequently assigned (41 w).

Seminars

85. As a result of budgetary constraints which are already reflected in lower estimates for support costs in the revised 1990 figures and 1991 projections, the number of planned seminars has been substantially reduced, through the application of strict priority criteria. Furthermore, special efforts continue to be made to ensure that those seminars that need to be held are organized in the most economical manner in terms of their location, as well as the number and accommodation requirements of participants (41 x).

Training

86. In accordance with its planned development, training has become increasingly cost-effective. The design and production of UNHCR-specific training modules in organizational skills has resulted in the gradual reduction of the use of external training consultants for management courses. At the same time, "HCR-specific" training modules have allowed UNHCR to reach more staff members and operational partners through courses organized locally by our Branch Offices. This trend has been reinforced by the development of an in-house "Train the Trainers" course which is given to all our Field Training Co-ordinators as well as staff members who have sectoral training responsibilities. Additionally, cost-saving measures were introduced including package deals with hotels for conference facilities based on a yearly Training programme and the discontinuation of residential training courses for most local courses in Headquarters and in the field.

Public information activities (41 z-bb)

87. UNHCR has drafted terms of reference for a cost/benefit analysis/evaluation of the various aspects of the Public Information Service, including the question of its staffing (41 bb). It has also sought informally some initial estimates from consulting firms for the proposed study, with a view to presenting to the Executive Committee a proposal which sets out the details of the proposed evaluation and its costs.

88. To reduce costs related to the Refugees Magazine, the number of editions of the magazine per year for the English and French versions have been reduced from 12 to 10. There has also been a significant reduction, by some 33 per cent, of mailings of the magazine. The Greek edition is no longer being produced. In relation to the German edition, while distributions have not been reduced, postal rates have been renegotiated resulting in savings of some 45 per cent. In respect of staffing, one of the editorial positions has been discontinued.

Costs of experts (41 cc)

89. At the moment, there are no seconded experts from UN agencies or other organizations working in UNHCR, whose salaries (and service fee of 13-14 per cent) are being met by UNHCR. The thrust of the recommendation will be borne in mind, however, should such a situation present itself again.

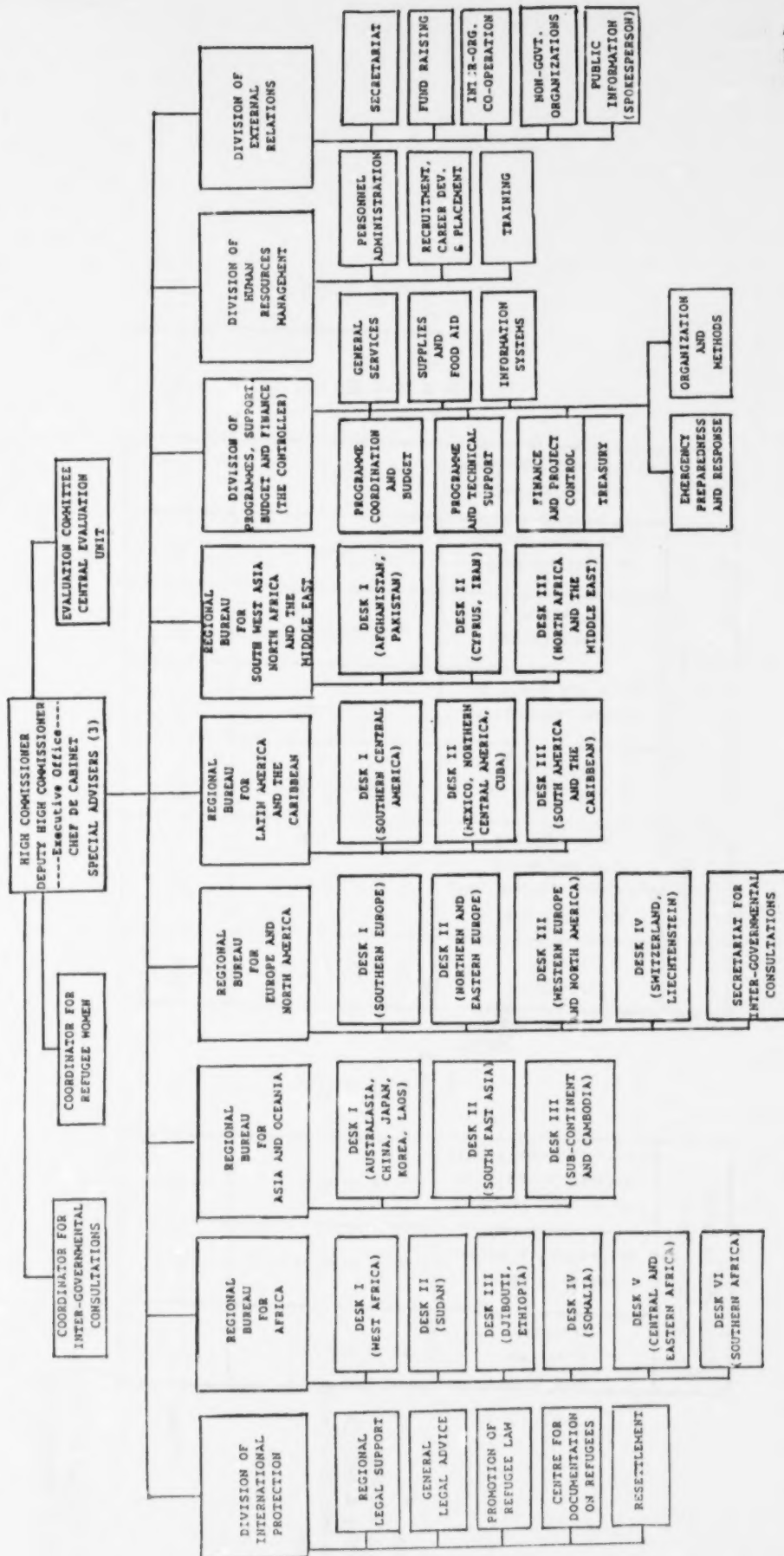
Conclusion

90. As the preceding paragraphs indicate, although progress on each of the recommendations has been somewhat uneven, the overall intentions of the Temporary Working Group in the area of programmes, budgets, financial and administrative matters are being progressively met, namely to assure better management of UNHCR's scarce resources while attending to the vital needs of refugees. It is hoped that for their part, governments will be able to respond positively to the recommendations addressed to them. In a number of areas covered above, the increase effectiveness of UNHCR is in part contingent on the implementation of recommendations addressed to governments.

UNHCR

HEADQUARTERS ORGANIZATION STRUCTURE

September 1990



STAFF PROVIDED TO UNHCR UNDER OPERATIONAL PROJECTS (IN WORK YEARS)

	Equivalent to UNHCR Professional Function				Equivalent to UNHCR Local General Service Function							Sub-Totals	
	Programme or Field Officer	Legal Officer/ Appeals Counsellor	Sectoral Specialists (Logistics, Health, Site Planning, Water)		Secretary/ Typist	Clerk (Finance, EDP, Radio, Logistics, Interpreters)	Driver/Vehicle Mechanic	Programme, Admin. or Field Assistant	Social Worker/ Counsellor	Repatriation or Resettlement Asst.	Guard/Cleaner/ Messenger/Storekeeper	Totals	Totals
AFRICA	0	0	9	9	16	11	18	7	9	1	5	67	76
ASIA & OCEANIA	5	17	9	9	41	131	15	27	33	80	11	341	372
EUROPE & N-AMERICA	1	9	0	0	8	11	0	1	6	3	0	29	39
LATIN AMERICA & CARIB.	1	3	6	6	9	2	12	3	11	2	2	41	51
SWANAME	1	2	4	4	25	32	38	47	6	1	9	158	165
TOTALS*	8	31	28	28	99	187	83	85	65	87	27	636	703

* all located in offices in the field - none at Headquarters

UNHCR 1990 CASHFLOW STATEMENT

(in millions of US Dollars)

	1989	1990	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG ^{b/}	SEPT ^{b/}
TOTAL RECEIPTS				61.4	47.7	38.6	28.1	33.5	54.9	46.5	33.0	35.0
TOTAL DISBURSEMENTS				35.0	30.0	28.5	33.5	36.4	36.1	48.9	37.0	40.0
CASH AT END OF MONTH ^{a/}	43.8	70.2	87.9	98.0	92.6	89.7	108.5	106.1	102.1	97.1		

^{a/} Bank balances at Headquarters, in the Field
and cash in transit

^{b/} Projections